

EXHIBIT 2
DATE 01/12/07
#B 105

Commerce Clause

From Wikipedia, the free encyclopedia
(Redirected from Commerce clause)

Article I, Section 8, Clause 3 of the United States Constitution, known as the **Commerce Clause**, empowers the United States Congress "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

Courts and commentators have tended to discuss each of these three areas as a separate power granted to Congress. It is therefore common to see references to the **Foreign Commerce Clause**, the **Interstate Commerce Clause**, and the **Indian Commerce Clause**, each of which refers to the power granted to Congress in this section.

Contents

- 1 Significance
- 2 History
 - 2.1 Original understanding
 - 2.2 Early years 1824-1935
 - 2.3 New Deal
 - 2.4 Civil rights
 - 2.5 The Rehnquist Court
- 3 See also
- 4 Notes
- 5 External links

Significance

The use of the Commerce Clause by Congress to justify its legislative power has been the subject of long, intense political controversy. Interpretation of the sixteen words of the Commerce Clause has helped define the balance of power between the federal government and individual states. As such, it has a direct impact on the lives of US citizens.

According to the Tenth Amendment, the federal government of the United States has the power to regulate only matters specifically delegated to it by the Constitution. Other powers are reserved to the States, or to the people. The Commerce Clause is one of those few powers specifically delegated to the federal government and thus its interpretation is very important in determining the scope of federal legislative power.

History

Original understanding

The founders' understanding of the word "commerce" is unclear. Although commerce means economic activity today, it had non-economic meanings in late eighteenth century English. For example, in 18th century writing one finds expressions such as "the free and easy commerce of social life" and "our Lord's commerce with his disciples".^[1] Interpreting interstate commerce to mean "substantial interstate human relations" is consistent with much additional primary source evidence concerning the meaning of commerce at the time of the writing of the Constitution.^[1] (<http://purplemotes.net/2006/06/19/peer-production/>)^[2] (<http://www.nytimes.com/2005/11/06/books/review/06ryerson.html?ex=1134795600&en=29d68895eed1c2e&ei=5070>) This